

**S.R. 103** - By Armbrister: Recognizing Carolyn Bartosh on being selected as the Environmental Education Teacher of the Year 1992 for the State of Texas by the National Association of Conservation Districts.

#### **ADJOURNMENT**

On motion of Senator Harris of Dallas, the Senate at 11:17 a.m. adjourned until 11:00 a.m. tomorrow.

#### **FIFTH DAY**

(Tuesday, January 26, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

Patricia Ayres, Moderator, Cooperative Baptist Fellowship, Austin, offered the invocation as follows:

Almighty God, we ask Your blessing on those who gather to do the business of this state—for the leaders, for the Members of the Senate, for their staffs, and for the people in the agencies and systems that carry out the laws made here. We pray for those who come to these halls to advocate for the powerless and for the powerful. Give them all wisdom and discernment as they face the complexity of the issues before them. Give them, O God, an understanding of Your priorities.

Creator God, we pray the plans and policies made here will reflect the careful stewardship of the bountiful land and precious resources of this state.

God of justice, mercy, and compassion, keep ever before this body a vision of the people of Texas in all of their diversity. Particularly embolden and empower them as they face the challenge of addressing the needs of children for food, protection, and education; the elderly; those ravaged by illness; the under and unemployed; the offenders and their victims.

Lord, hear our prayer that the fruit of all our labor will be justice, opportunity, and hope for the people of Texas. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHORS OF SENATE BILL 25**

On motion of Senator Moncrief and by unanimous consent, Senators Luna, Henderson, and Zaffirini will be shown as Co-authors of S.B. 25.

**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

**S.C.R. 8** by Henderson Administration  
Granting John R. Phenix & Associates, Inc., permission to sue the State of Texas and the University of Houston System.

**S.B. 162** by Rosson Economic Development  
Relating to a requirement that an operator service make a live operator available.

**S.B. 163** by Carriker, Sims Education  
Relating to the protection of buildings and grounds at private institutions of higher education.

**S.B. 164** by Shelley Criminal Justice  
Relating to the operations of a grand jury; providing penalties.

**S.B. 165** by Harris of Tarrant Criminal Justice  
Relating to the interception, use, or disclosure of wire, oral, or electronic communications and to the prosecution of offenses related to those activities.

**S.B. 166** by Henderson Finance  
Relating to changes in a property tax appraisal roll.

**S.B. 167** by Ellis Criminal Justice  
Relating to the prosecution of the offense of sexual assault.

**S.B. 168** by Ellis, Carriker Criminal Justice  
Relating to the classification of sexual assault as aggravated sexual assault if more than one individual engages in conduct directed toward the same victim.

**S.B. 171** by Montford, Whitmire Finance  
Relating to the issuance of general obligation bonds for projects relating to state prisons and to an emergency appropriation to the Texas Department of Criminal Justice for the operation of state prisons, discretionary grants, and payments to counties.

**MESSAGE FROM THE HOUSE**

House Chamber  
January 26, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

**H.C.R. 19**, Inviting the Governor to address a joint session of the legislature at 12:00 noon on Wednesday, January 27, 1993.

Respectfully,

BETTY MURRAY, Chief Clerk  
House of Representatives

#### **CAPITOL PHYSICIAN**

The "Doctor for the Day," Dr. Erica Williams Swegler of Denison, was introduced to the Senate by Senator Carriker.

The Senate expressed appreciation and gratitude to Dr. Swegler for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

#### **GUESTS PRESENTED**

Senator Sims was recognized and introduced Jean Herring and Rudy Thomas of Maryneal, who will be serving as interns in his office.

The Senate welcomed these guests.

#### **MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
January 26, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

TO BE CHIEF JUSTICE OF THE COURT OF APPEALS, SECOND  
SUPREME JUDICIAL DISTRICT, until the next general election and until  
his successor shall be duly elected and qualified:

JUSTICE JOHN G. HILL

2224 Weatherbee

Fort Worth, Texas 78110

Justice Hill will be replacing Chief Justice Tod Weaver of Fort Worth, who was elected to a full term as Justice of the Second Court of Appeals.

Respectfully submitted,

/s/Ann W. Richards  
Governor of Texas

#### **HOUSE CONCURRENT RESOLUTION 19**

The President laid before the Senate the following resolution:

**H.C.R. 19**, Inviting the Honorable Ann W. Richards to address a joint session of the legislature at 12:00 noon on Wednesday, January 27, 1993.

The resolution was read.

On motion of Senator Harris of Dallas and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

#### **RESOLUTIONS SIGNED**

The President announced the signing of the following enrolled resolutions in the presence of the Senate:

**H.C.R. 9**

**S.C.R. 6**

#### **SENATE RESOLUTION 2**

Senator Sibley offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize Police Officers Alvin Sims, Lanny Glasscock, and John McGuire for winning the Wild Horse state title at the Texas Police Officers Rodeo Association annual competition; and

WHEREAS, The championship competition was held at the Cowtown Coliseum in Fort Worth; the annual event helps to fund the large contributions given yearly to charities by the Texas Police Officers Rodeo Association; and

WHEREAS, Officers Sims and Glasscock of Duncanville teamed up with Officer McGuire of Dallas two years ago, and the trio won the reserve championship in the Wild Horse category last year; and

WHEREAS, The Wild Horse event involves three participants who must get one man to ride a horse across a designated line; and

WHEREAS, These three officers have demonstrated unusual courage and perseverance since they first began participating in the competition, and they deserve to be commended for their teamwork and talent; and

WHEREAS, Each officer was awarded a new leather saddle with a championship inscription in honor of his outstanding performance; Officer Sims also won an individual state title in the Shoot-dogging contest; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby commend Officers Alvin Sims, Lanny Glasscock, and John McGuire for their contributions to the association's championship competition and extend congratulations to them on their victory; and, be it further

RESOLVED, That copies of this Resolution be prepared for them as an expression of high regard from the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

**(Senator Parker in Chair)**

#### **GUEST PRESENTED**

The Presiding Officer introduced to the Senate State Treasurer Kay Bailey Hutchison.

The Senate welcomed Ms. Hutchison.

#### **PRESENTATION**

Senator Lucio was recognized and introduced a delegation from the Lower Rio Grande Valley Citrus Growers, who presented the President with a box of grapefruit.

The Senate welcomed the guests and the President expressed his thanks.

#### CONGRATULATORY RESOLUTIONS

**S.R. 105** - By Ellis: Recognizing Ranvir Biki Mohindra of Houston, who was chosen to receive a Special Recognition Award presented by the Mickey Leland Center Awards Program.

**S.R. 106** - By Ellis: Recognizing Susan R. Levy of Houston, who was chosen to receive a Special Recognition Award presented by the Mickey Leland Center Awards Program.

**S.R. 107** - By Ellis: Recognizing Rose Mary R. Badami of Houston, who was chosen to receive a 1992 Mickey Leland Distinguished Service Award.

**S.R. 108** - By Ellis: Recognizing Islas Salas of Houston, who was chosen to receive a 1992 Mickey Leland Distinguished Service Award.

**S.R. 109** - By Ellis: Recognizing Malcolm T. McLemore of Houston, who was chosen to receive a Mickey Leland Center Special Recognition Award.

**S.R. 110** - By Ellis: Recognizing C. G. Hardy of Houston, who was chosen to receive a Mickey Leland Center Distinguished Service Award.

#### ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 11:41 a.m. adjourned, in memory of the Honorable Thurgood Marshall, until 10:45 a.m. tomorrow.

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#### APPENDIX

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#### REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

January 26, 1993

EDUCATION — S.J.R. 4, C.S.S.J.R. 7, C.S.S.B. 131

ECONOMIC DEVELOPMENT — S.B. 2, C.S.S.B. 4

**In Memory  
of  
The Honorable Thurgood Marshall**

Senator West offered the following resolution:

**(Senate Resolution 111)**

WHEREAS, The Senate of the State of Texas joins with citizens across the nation in mourning the loss of former United States Supreme Court Justice Thurgood Marshall who died January 24, 1993; and

WHEREAS, Born July 2, 1908, in Baltimore, Maryland, Justice Marshall grew up in a family that emphasized education and advancement; and

WHEREAS, He attended undergraduate school at Lincoln University in Pennsylvania and graduated from Howard University Law School in 1933; and

WHEREAS, Named general counsel for the new National Association for the Advancement of Colored People in 1936, Thurgood Marshall began his never-ending quest for economic and social justice for all citizens; and

WHEREAS, During his 25 years with the National Association for the Advancement of Colored People, he vigorously fought against repugnant practices that encouraged discrimination in public accommodations, employment, and housing; and

WHEREAS, In 1944 Justice Marshall successfully argued Smith v. Allwright before the United States Supreme Court; as a result the Supreme Court struck down Texas' all-white primary system; and

WHEREAS, Justice Marshall was renowned for his success in arguing the case of Sweatt v. Painter in 1950, in which the high court ordered The University of Texas School of Law to admit a black student, Heman Sweatt; the "Little Campus" area on the university campus has been renamed the Heman Sweatt Campus in memory of the black man who brought integration to the university; and

WHEREAS, A man whose name was synonymous with the struggles of underprivileged people, Justice Marshall was an unrelenting advocate for the betterment of the powerless and the forgotten; and

WHEREAS, In 1954, Thurgood Marshall argued the landmark case of Brown v. Topeka Board of Education in which the United States Supreme Court ruled that single-race schools are unconstitutional; in reaching that ruling the Supreme Court struck down the earlier doctrine of "separate but equal" education; and

WHEREAS, Justice Marshall was appointed by President Lyndon B. Johnson in 1967 to the United States Supreme Court after serving with great distinction on the 2nd United States Court of Appeals and as United States Solicitor General; and

WHEREAS, A great champion of human and equal rights on the nation's highest court, Justice Marshall was a strong supporter of defendant's rights; and

WHEREAS, Thurgood Marshall was considered by many to be one of the greatest black lawyers in the country; his retirement from the court in 1991 left a tremendous void; and

WHEREAS, He was a man of uncommon courage, integrity, forthrightness, and tenacity who lived his life to the fullest and was dedicated to helping his fellowman; and

WHEREAS, His monumental efforts on behalf of human rights are unsurpassed, and his fine work will continue to bear fruit in the years to come; and

WHEREAS, Thurgood Marshall leaves behind memories that will be treasured forever by his family and friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend sincere condolences to his wife, Cecilia; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of the Honorable Thurgood Marshall.

WEST  
PARKER  
TRUAN  
ELLIS  
NELSON

The resolution was read.

On motion of Senator Harris of Dallas and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator West and by unanimous consent, the resolution was adopted by a rising vote of the Senate.